

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:20CR00113 SNLJ
)	
CLARENCE L. HICKS,)	
)	
Defendant.)	

**GOVERNMENT'S RESPONSE TO COURT'S ORDER
CONCERNING RULE 12(b) DISCLOSURE**

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and John N. Koester, Jr., Assistant United States Attorney for said District, and for the Government's Response in accordance with the Court's Order Concerning Pretrial Motions, states as follows:

RULE 12(b) DISCLOSURE

Rule 12(b)(4)(B) provides:

"At the arraignment or as soon thereafter as is practicable defendant may, in order to afford an opportunity to move to suppress evidence under Rule 12(b)(3)(C), request notice of the government's intention to use (in its evidence in chief at trial) any evidence which defendant may be entitled to discover under Rule 16. (emphasis added)

In accordance with the dictates of Rule 12(b)(4)(B) the Government intends to use the following referenced evidence at trial:

1. **Relevant Written or Recorded Statements**

There are no relevant written or recorded statements made by the defendant which are within the possession, custody or control of the Government.

2. **Written Records Containing Substance of Oral Statements**

The written records containing the substance of any relevant oral statements made by the defendant in response to interrogation by any person then known to the defendant to be a government agent are as follows:

- (a) Missouri State Highway Patrol Incident Report of Task Force Officer T. D. Shelly regarding the interview of defendant on December 9, 2019.

3. **Grand Jury Testimony**

The defendant has not testified before a grand jury relating to the offense charged.

4. **Other Relevant Oral Statements**

The defendant has not made any other relevant oral statements in response to interrogation by any person then known by the defendant to be a government agent, which the Government intends to use at trial.

5. **Defendant's Prior Record**

A copy of defendant's prior record, along with a complete copy of the investigative file held by the Government at this time, has been provided to counsel for the defendant.

6. **Documents and Tangible Objects**

The Government may introduce into evidence in its case in chief the following items which could arguably be subject to suppression:

- (a) Controlled substance received from defendant through controlled purchase on September 27, 2019;

- (b) Items referenced in the Missouri State Highway Patrol General Report of Task Force Officer T. D. Shelly;
- (c) Items referenced in the Probable Cause Statement of MSHP Sergeant Troy Shelly;
- (d) Items referenced in the Complaint and Request for a Warrant filed in the Circuit Court of New Madrid County, Missouri;
- (e) Recordings of the controlled purchase involving defendant on September 27, 2019.

7. **Reports of Examinations and Tests**

The Government may introduce into evidence in its case in chief testimony regarding the following reports of examinations and tests:

- (a) MSHP Crime Laboratory report regarding controlled substances received from defendant.

8. **Expert Witnesses**

The Government may introduce into evidence in its case in chief the following testimony of expert witnesses:

- (a) MSHP Criminalist Justin Owens, who will testify in accordance with his report.

JEFFREY B. JENSEN
UNITED STATES ATTORNEY

/s/ John N. Koester, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2020, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Jennifer Booth
Attorney for Defendant

/s/ John N. Koester, Jr.
John N. Koester, Jr.
Assistant United States Attorney